REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 2 and 13 are cancelled, and claims 22-39 are allowed. Claims 1, 3-12 and 14-21, as amended herein, are submitted for the Examiner's reconsideration.

Claims 4-5 and 19-20 have been amended solely to have the claims better conform to the requirements of U.S. practice. None of these amended is intended to narrow the scope of any of these claims, and no new matter has been added by these amendments.

In the Office Action, claims 1-2, 4-5, 11-13 and 15-16 were rejected under 35 U.S.C. § 102(a) as being anticipated by Bolosky (U.S. Patent No. 5,991,804), and claims 10 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bolosky in view of the Examiner taking official notice. Claims 2 and 13 are cancelled. It is submitted that the remaining claims are patentably distinguishable over Bolosky.

Claim 1 has been amended to include limitations previously called for in claim 2 and to include limitations similar to those called for in allowed claim 22. Claims 11 and 12 have been amended to include limitations previously called for in claim 12 and to also include limitations similar to those called for in allowed claim 22.

The Bolosky patent describes multiple data servers which are connected to each other, each of which includes at least one storage disk. Data files are distributed across the data servers such that data blocks of the data files are sequentially stored among the storage disks in a striping pattern. The data is duplicated on each mirrored half of the disks to provide redundancy. When disks are added or removed, a new striping layout is generated, and data blocks are moved to attain the new layout. (*See* Abstract; col. 3, lines 44-46;

col. 4, lines 37-64; col. 5, lines 10-25; and col. 8, line 55 – col. 10, line 24).

Bolosky is only concerned with data files that are stored in *data servers*, namely, data files that are *available for downloading* to a client. (*See* col. 5, line 66 – col. 6, line 7). The patent is not concerned with *downloaded data*, is not concerned with *a storage means* of *a terminal device*, and is not concerned with *regions* of a storage means of *the terminal device.*

Moreover, data files stored in the storage disks of the data servers are not available for readout by *a user application program of the terminal device* because the data files must first be downloaded to the terminal device before they can be read out by the user application program. Therefore, Bolosky does not disclose or suggest a storage means having a region from which a user application program can only read out.

Bolosky therefore does not disclose or suggest:

storage means for storing the downloaded content, the storage means having a first region which only a system program of the terminal device can access, the content being written into the first region by the system program, and the storage means having a second region from which a user application program can only read out

as recited in claim 1

Further, because Bolosky does not disclose or suggest regions of the storage means of the terminal device, the patent does not disclose or suggest moving data *from a first region* of the storage means of the terminal device *to a second region* of the storage means of the terminal device based on predetermined information.

Therefore, Bolosky does not disclose or suggest:

storage control means for controlling data stored in the storage means and for moving the content from

14

the first region to the second region based on
predetermined information

as set out in claim 1.

Bolosky therefore does not disclose or suggest the
combination called for in claim 1 and does not anticipate the
claim.

Claims 4, 5 and 10 depend from claim 1 and are
distinguishable over Bolosky for at least the same reasons.

Independent claim 11 relates to a terminal device and
calls for:

a storage unit operable to store the downloaded
content, the storage unit having a first region which
only a system program of the terminal device can
access, the content being written into the first
region by the system program, and the storage unit
having a second region from which a user application
program can only read out; and

a storage control unit operable to control data
stored in the storage unit and to move the content
from the first region to the second region based on
predetermined information.

Therefore, claim **11 is patentably distinguishable over Bolosky
for at least the reasons described above regarding claim 1.**

Independent claim 12 defines an entertainment system
that includes:

the storage unit having a first region which only
a system program of the terminal device can access,
the content being written into the first region by the
system program, and the storage unit having a second
region from which a user application program can only
read out,

the terminal device being further operable to
move the content from the first region to the second
region based on predetermined information.

Therefore, claim 12 is patentably distinguishable over Bolosky
for at least the same reasons set out above regarding claim 1.

Claims 15, 16 and 21 depend from claim 13 and are distinguishable over the cited reference for at least the same reasons.

Accordingly, the withdrawal of the rejections under 35 U.S.C. § 102 and § 103 are respectfully requested.

The Examiner objected to claims 3, 6-9, 14 and 17-20 as being dependent upon a rejected base claim but indicated that the claims would be allowable if rewritten. Claims 3, 6, 7, 14, 17 and 18 have been rewritten in independent form to include the limitations of the base claim and of any intervening claims. It is therefore submitted that claims 3, 6-9, 14 and 17-20 are in condition for allowance.

Applicant expresses appreciation for the allowance of claims 22-39.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: July 28, 2005   Respectfully submitted,

By_____
Lawrence E. Russ
Registration No.: 35,342
LERNER, DAVID, LITTENBERG,
   KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

578807_1.DOC